

REMARKS

The foregoing Amendment and the following remarks are submitted in response to the Office Action mailed on February 23, 2005 in connection with the above-identified application.

Claims 16, 18, 20-30, 32, and 34-47 remain pending in the present application as currently amended. Claims 18 and 32 have been amended in a minor manner to overcome an indefiniteness issue. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

The Examiner has rejected claims 18 and 32 under 35 USC § 112, second paragraph, as being indefinite. Applicants respectfully traverse the Section 112, second paragraph rejection insofar as it may be applied to the claims as amended.

According to the Examiner, claims 18 and 32 are indefinite because the Bell 202 is a one-way signaling protocol while base claims 16 and 30 recite a two-way signaling protocol. Accordingly, Applicants have amended claims 18 and 32 to recite a protocol based on the Bell 202 protocol. As the Examiner has conceded in the Office Action at page 4 with respect to such claims 18 and 32, there exist bi-directional protocols that are based on the Bell 202 protocol. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Section 112, second paragraph rejection.

The Examiner has rejected claims 16, 18, 20, 22-30, 32, 34, and 36-47 under 35 USC § 103 as being obvious over Bossemeyer, Jr. (U.S. Patent No. 6,490,444) in view of Vonder Haar et al. (U.S. Patent No. 6,137,878). Applicants respectfully traverse this first Section 103 rejection.

Independent claim 16 recites a system for notifying a computing device of an incoming message. In the system, a message server is coupled to a data communications network for receiving the incoming message, a public communications system is coupled to the message server, where the message server securely communicates to the communications system that the incoming message awaits retrieval by the computing device, and a communications line is coupled to the communications system and to the computing device, where the communications system signals the computing device over the communications line that the incoming message awaits retrieval by such computing device. Significantly, the incoming message includes a destination address associated with the computing device (an email address, e.g.), the communications line is identified by an identifier (a telephone number, e.g.), and the system further comprises a database associating the destination address with the identifier. Thus, the message server accesses the database and determines the identifier based on the destination address and communicates to the communications system that the incoming message awaits retrieval by the computing device at the communications line as identified by the identifier.

Claim 16 also recites that the communications system signals the computing device over the communications line according to a two-way on-hook signaling protocol. Thus, the communications device sends data to the communications system according to the two-way on-hook signaling protocol while the communications line is on-hook.

Independent claim 30 recites substantially the same subject matter as claim 16, albeit in the form of a method.

As was previously pointed out, the Bossemeyer reference discloses an email notification system whereby a telecommunications network 60 periodically inquires of a data

message platform 40 whether email waits to be delivered from the platform 40 by way of the network 60 to a subscriber terminal 80 coupled to the network 60. The network 60 checks with the platform 40 to determine whether email for a particular subscriber 80 is available for retrieval. However, and as the Examiner concedes in the Office Action, such Bossemeyer reference does not disclose that the network 60 signals the terminal 80 according to a two-way on-hook signaling protocol, as is required by claims 16 and 30, or that the terminal 80 sends data to the network 60 according to the two-way on-hook signaling protocol while the communications line therebetween is on-hook, as is also required by claims 16 and 30. Nevertheless, the Examiner continues by arguing that the Vonder Haar reference in fact discloses such a two-way protocol, and then concludes that it would have been obvious to include such two-way protocol in the Bossemeyer system.

The Vonder Haar reference in fact discloses a system whereby speech messages are provided as user feedback audio signals in a telephone-type apparatus. However, such audio signals cannot normally be provided by a central facility or the like due to finite capacity in the transmission link with the apparatus. Accordingly, such audio signals may be pre-deliver to the apparatus to be available at a later time, and in particular may be transmitted to the apparatus by way of a two-way signaling protocol and then stored at the apparatus for later use.

Significantly, though, the Bossemeyer reference expresses no need for such a two-way protocol, and in fact does not express the advisability for same. In particular, the Bossemeyer reference only discloses that a message waiting signal need be transmitted to the subscriber terminal 80, as at step 108 of Fig. 7, for example, and not that the transmitted signal needs to be acknowledged or otherwise responded to. Moreover, such an

acknowledgment is not a requirement especially inasmuch as the transmitted signal presumably is of a simple and unmistakable nature that should not be misinterpreted or lost.

Moreover, the Bossemeyer subscriber terminal 80 if modified in accordance with the Vonder Haar reference would not employ two-way signaling to transmit a message waiting signal to the terminal 80, as is required by the claims of the present application. Instead, such two-way signaling would be employed to pre-deliver audio signals or the like for later playback.

Put simply, the Bossemeyer reference utterly fails to appreciate that a two-way protocol could be employed for the reason that such a two-way protocol is unnecessary in the context of such Bossemeyer reference. As was previously pointed out, by employing such a two-way protocol and not merely a one-way protocol, messages from the network 60 may be error-checked by the terminal 80 and such error-checking may be reported back to the network 60. As a result, such messages may be much longer and more detailed inasmuch as the error-checking allows the network 60 to have faith that the message will be received without error. Thus, the two-way protocol may be employed not merely to send a simple notification message that an email message is waiting, but to send the actual email message.

Accordingly, because the Bossemeyer reference cannot be combine with the Vonder Haar reference in the manner set forth by the Examiner, to result in the invention recited in claims 16 and 30, Applicants respectfully submit that the Bossemeyer reference and Vonder Haar reference do not make obvious claims 16 or 30 or any claims depending therefrom, including claims 18, 20, 22-29, 32, 34, and 36-47. Thus, Applicants respectfully request reconsideration and withdrawal of the first Section 103 rejection.

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The Examiner has also rejected claims 21 and 35 under 35 USC § 103 as being obvious over the Bossemeyer reference in view of the Vonder Haar reference and further in view of Cook (U.S. Patent No. 6,732,101). Applicants respectfully traverse the second Section 103 rejection.

Applicants respectfully submit that since independent claims 16 and 30 are unanticipated and have been shown to be non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, including claims 21 and 35, at least by their dependencies. Thus, Applicants respectfully request reconsideration and withdrawal of the second Section 103 rejection.

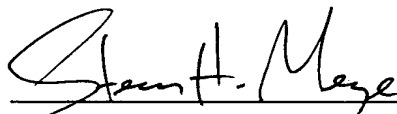
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In view of the foregoing, Applicants respectfully submit that the claims of the present application are in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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